THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24238 of 2006

DATED 22.11.2006

Between:

Khaja Consultants and Builders,
represented by its Proprietor Khaja Asif
Ahmed. .. PETITIONER

versus

The Commissioner, Municipal Corporation of
Hyderabad, Tank Bund Road, Hyderabad. .. RESPONDENT

WRIT PETITION NO.24238 of 2006

ORDER:

The matter is coming up for admission today. Heard the learned counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in insisting for production of No Objection Certificate from the District Collector for considering the application for grant of permission to make construction as illegal, arbitrary, high-handed and consequently direct the respondent to consider the application of the petitioner for sanctioned plan without insisting upon the submission of No Objection Certificate from the District Collector, situated in S.No.129/15 to an extent of 1122 square yards, at road No.13, Banjara Hills, Shaikpet, Hyderabad and bounded by North: Road No.13, South: House of Mirza Nazeer Baigh, East: House of neighbour and West: house of Major Akbar Ali Khan, and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition and reliance also was placed in the judgments reported in DISTRICT COLLECTOR, HYDERABAD AND ANOTHER

v. N.KRISHNA MOHAN AND OTHERS[1] B.MURALI v. COMMISSIONER, MUNICIPAL CORPORATION OF HYDERABAD, HYDERABAD[2].

4. This Court, in fact, repeatedly held that production of No Objection Certificate from the revenue authorities cannot be insisted upon while considering the application for grant of permission for construction. Several other factual details narrated in the affidavit filed in support of the Writ Petition need not be dealt with in detail in the light of the settled legal position expressed by this Court repeatedly. In view of the same, the respondent is directed to receive the application of the petitioner praying for permission for construction in relation to the subject matter of the Writ Petition without insisting upon No Objection Certificate from the District Collector.

5. The Writ Petition is accordingly disposed of with the above direction. No costs.

22.11.2006

SSR

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[1] 2000(4) ALD 126 (DB).

[2] 2006(6) ALD 129.